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CUSHMAN, DARBY & CUSHMAN  
NINTH FLOOR  
1100 NEW YORK AVENUE, N.W.  
WASHINGTON, D.C. 20005-3918

15M1/0708

GUARRIELLO, J

ART UNIT	PAPER NUMBER
1511	#8

DATE MAILED:

07/08/93

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined.  Responsive to communication filed on Mar. 15/1993.  This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice re Patent Drawing, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, Form PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

Part II SUMMARY OF ACTION

1.  Claims 1-5, 7, 8, 10-17, 19, 20, 22-26 are pending in the application.

Of the above, claims \_\_\_\_\_ are withdrawn from consideration.

2.  Claims 6, 9, 18, 21 have been cancelled.

3.  Claims \_\_\_\_\_ are allowed.

4.  Claims 1-5, 7, 8, 10-17, 19, 20, 22-26 are rejected.

5.  Claims \_\_\_\_\_ are objected to.

6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.

7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8.  Formal drawings are required in response to this Office action.

9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable.  not acceptable (see explanation or Notice re Patent Drawing, PTO-948).

10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_ has (have) been  approved by the examiner.  disapproved by the examiner (see explanation).

11.  The proposed drawing correction, filed on \_\_\_\_\_, has been  approved.  disapproved (see explanation).

12.  Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has  been received  not been received  been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_

13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14.  Other

EXAMINER'S ACTION

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15.

Examiner acknowledges paper #7 of March 15, 1993.

16.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

17.

Claims 1-5, 7, 8, 10-17, 19, 20, 22-26 are rejected under 35 U.S.C. § 103 as being unpatentable over Balatoni et al. 3,882,191 or Asai et al. 4,272,464 or Torii et al. 4,347,338 in view of Ohadu 4,657,542 or Geissler 4,451,259.

Rejection is maintained.

Applicant's arguments have been considered but they are not deemed to be persuasive because the references still disclose dialkyl phthalates which can be plasticizers for either polyvinyl chloride or polyurethane. It is within the skill of the artisan to optimize to make compositions of polyvinyl chloride polyurethane and plasticizers as noted by Ohadu or Geisler. Additions of meca, talc or clay would be obvious.

Furthermore in the absence of any demonstration as to the criticality of the components, it is still within the skill of the artisan to produce the claimed composition of polyvinyl chloride, polyurethane and plasticizer.

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18.

**Crystal Mall 1 Fax Center**

A facsimile center has been established in Crystal Mall 1, room 10D08. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 308-4227. This new location should be used in all instances when faxing any correspondence to Group 150. The existing facsimile center for the Patent Examining Corps can be used as a backup if you are unable to reach the Crystal Mall 1 center. The existing Patent Examining Fax Center telecopier numbers are (703) 308-3718 and (703) 308-3721. Use of the new Crystal Mall 1 center will facilitate rapid delivery of materials to the Group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989).

19.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

20.

Any inquiry concerning this communication should be directed to John J. Guarriello at telephone number (703) 308-2351.

*slh*

Guarriello/slh  
July 06, 1993

*PR Michl*  
**PAUL R. MICHL**  
SUPERVISORY PATENT EXAMINER  
ART UNIT 156